

The article was labeled in part, "* * * Polk's Best Catsup * * * J. T. Polk Company * * * Chicago * * *"

Adulteration of the article was alleged in substance in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged in substance with respect to a portion of the product for the reason that the statements on the labels were false and misleading in that they stated that the packages contained "Red Ripe Tomatoes, Sugar, Vinegar, Salt and High Grade Spices," whereas, in fact, they contained a compound of putrid, filthy, decomposed vegetable substances unfit for food. It was further alleged in substance with respect to the 8-pound sized cans that they were not labeled in a plain and conspicuous manner with a statement of the contents.

On April 15, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9936. Misbranding of Kuhn's rheumatic remedy. U. S. * * * v. 15 Bottles and 17 Bottles * * * of * * * Kuhn's Rheumatic Remedy. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14605, 14606. Inv. Nos. 27537, 27538. S. Nos. C-2852, C-2853.)

On March 12, 1921, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 15 bottles and 17 bottles, more or less, of Kuhn's rheumatic remedy, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Kuhn Remedy Co., Chicago, Ill., on or about November 21 (November 1) and 22, 1920, respectively, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle and carton) "Kuhn's Rheumatic Remedy * * * Rheumatism, Neuralgia, Lumbago, Sciatica or Gout * * * Its Merit Proven * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the preparation consisted of iodine, potassium iodide, plant extractives, sugar, aromatics, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing on the labels of the bottles and cartons, regarding the curative and therapeutic effects of the said article contained therein, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 4, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9937. Adulteration of coal-tar color. U. S. * * * v. 3 Pounds of Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14614. I. S. Nos. 3709-t, 3710-t. S. No. E-3174.)

On March 14, 1921, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and

condemnation of 3 pounds of coal-tar color, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of New York, and had been received in the Borough of Brooklyn, N. Y., on or about February 25, 1921, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that sodium chlorid and sodium sulphate had been mixed and packed with, and substituted wholly or in part for, the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, arsenic, which might render it injurious to health.

On June 10, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9938. Misbranding of La Provence Brand oil. U. S. * * * v. 75 Cans * * *, 16 Cans * * *, and 15 Cans * * * of Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15149. I. S. Nos. 6230-t, 6231-t, 6232-t. S. No. E-3476.)

On July 26, 1921, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 cans, 16 cans, and 15 cans, each purporting to contain one quart, one-half gallon, or one gallon, respectively, of vegetable oil, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by the Littauer Oil Co., Guttenberg, N. J., on or about January 22, 1921, and transported from the State of New Jersey into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in the libel for the reason that the statements on the respective labels, to wit, "One Quart," "One Half Gallon," and "One Gallon," were false and misleading and deceived and misled the purchaser because of the fact that the said cans marked "One Quart" contained less than one quart, the said cans marked "One Half Gallon" contained less than one-half gallon, and the said cans marked "One Gallon" contained less than one gallon. Misbranding was alleged for the further reason that the said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the said statements were not correct.

On September 8, 1921, the Littauer Oil Co., Guttenberg, N. J., having filed its claim and answer denying the material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9939. Misbranding of pears. U. S. * * * v. 558 Boxes of Pears. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15357. I. S. No. 7903-t. S. No. E-3571.)

On September 3, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and